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IN THE

Supreme Court of the United States

OCTOBER TERM, 1942

No. 294

MYRA PAGE WIREN,

Petitioner,

against

SHUBERT THEATRE CORPORATION, *et al.*,

Respondents.

PETITION FOR REHEARING

OSCAR B. WIREN,
Counsel for Petitioner.

IN THE

SUPREME COURT OF THE UNITED STATES

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MYRA PAGE WIREN, *Petitioner,* *against* SHUBERT THEATRE CORPORATION, *et al.,* *Respondents.*	No. 294

PETITION FOR REHEARING

The above named petitioner, Myra Page Wiren, presents this petition for rehearing in the above entitled cause, and in support thereof shows:

The application for a writ of certiorari, filed August 14, 1942, was denied October 12, 1942.

As reasons why a rehearing in this cause should be granted, petitioner begs leave to state the essential grounds for her contention:

On the trial of Judge Manton the jury and trial judge held that the evidence that the President and owner of Lord & Thomas made a loan of $250,000 to Judge Manton while the case of a client of Lord & Thomas, namely the American Tobacco Company, was before Judge Manton, was evidence upon which to *convict* him (R. pp. 42, 5).

In the present case the defendant Paramount was not only an *equally important* client of Lord & Thomas (R. pp. 42, 25) but furthermore the said President and owner of

Lord & Thomas who made the loan to Judge Manton *was very deeply interested financially in Paramount* (R. fol. 20) and the said President and owner of Lord & Thomas was *pressing Judge Manton for payment of said $250,000 at the very time that this case against Paramount was before Judge Manton and decided by him* (R. p. 5) and the *$250,000 has never been paid nor any interest thereon* (R. p. 5) and *was not listed by Judge Manton among his debts when examined under oath shortly after his decision in this case* (R. p. 5), *at which time he testified that all of his debts had been paid (and did not mention this $250,000) and that he was worth a half million dollars net.*

Petitioner feels that this Honorable Court does not mean to hold that although such evidence was accepted on Judge Manton's trial as proof of corruption on his part, nevertheless in *this* case it is *"too remote"* on which to *merely grant a rehearing* of the case which Judge Manton decided.

Chief Justice Fuller said in the case of *Lau Ow Bew, Petitioner,* 141 U. S. 583, 587, that the inquiry upon such an application as this is "whether the matter is of sufficient importance in itself and sufficiently open to controversy" to justify the writ. Petitioner feels that this Honorable Court does not mean to hold that the question as to whether the Presiding Judge of The Circuit Court of Appeals was disqualified when he decided this case involving several million dollars brought by an American author in regard to her literary life work against a gigantic corporation and theatrical producers who plead that they got the play from an Italian, native and resident of Milan, Italy, is not of sufficient importance and is not sufficiently open to controversy to warrant the exercise of this Honorable Court's power of review.

It is respectfully urged that the gravity of the situation requires the reconsideration of this important question by this Court.

Wherefore, it is respectfully asked that this petition for rehearing be granted, and that the judgment of this Court

denying the application of the petitioner for certiorari be, upon further consideration, set aside and that the petition for certiorari be granted.

Respectfully submitted,

OSCAR B. WIREN,
Counsel for Petitioner.

I, OSCAR B. WIREN, attorney for the above named petitioner, do hereby certify that the foregoing petition for rehearing in this cause is presented in good faith.

OSCAR B. WIREN.